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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 AMERICAN PRESIDENT LINES, LTD,

11 Plaintiff,

CASE NO. C09-5109BHS

12 v.

13 KEVIN PEDERSON and DONNA
14 PEDERSON, jointly and severally and
their marital community, d/b/a Pacific
15 Harbor Trading,

ORDER RENOTING
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

16 Defendants.

17 The Court, having considered the complaint and the files and records herein, does
18 hereby notify Defendants of the requirements to respond to Plaintiff's motion for
19 summary judgment. Dkt. 6.

20 (1) Plaintiff filed a motion for summary judgment under Rule 56 of the Federal
21 Rules of Civil Procedure (Fed. R. Civ. P. 56), which was noted for consideration on June
22 5, 2009. Dkt. 6. Defendants have failed to respond. However, because Defendants are
23 proceeding pro se, the Court will allow Defendants the opportunity to respond.
24 Defendants are notified that under Local Civil Rule 7(b)(2), "[i]f a party fails to file
25 papers in opposition to a motion, such failure may be considered by the court as an
26 admission that the motion has merit."
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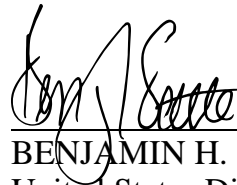
1 (2) When a party files a motion for summary judgment pursuant to Fed. R. Civ.
2 P. 56, the opposing party must respond, by affidavits or as otherwise provided in Rule 56,
3 and must set forth specific facts showing that there is a genuine issue for trial. In the
4 event Plaintiff files a motion for summary judgment by which it seeks to have a judgment
5 entered in its favor, Defendants are notified that summary judgment under Fed. R. Civ. P.
6 56 will, if granted, end the case.

7 Rule 56 tells Defendants what they must do in order to oppose a motion for
8 summary judgment. Generally, summary judgment must be granted when there is no
9 genuine issue of material fact – that is, if there is no real dispute about any fact that would
10 affect the result of the case. When Plaintiff makes a motion for summary judgment that is
11 properly supported by declarations (or other sworn testimony), Defendants cannot simply
12 rely on their assertions contained in the answer to the complaint. Instead, Defendants
13 must set out specific facts in declarations, depositions, answers to interrogatories, or
14 authenticated documents, as provided in Rule 56(e), that contradict the facts shown in
15 Plaintiff's declarations and documents and show that there is a genuine issue of material
16 fact for trial. If Defendants do not submit their own evidence in opposition, then
17 summary judgment, if appropriate, may be entered against them. If summary judgment is
18 granted, the Court will enter judgment for Plaintiff and there will be no trial. *See Rand v.*
19 *Rowland*, 154 F.3d 952 (9th Cir. 1998).

20 (3) Plaintiff's motion for summary judgment is renoted for consideration on the
21 Court's July 10, 2009 calendar. Defendants may file a response to the motion for
22 summary judgment, including declarations, depositions, answers to interrogatories, or
23 authenticated documents, no later than July 6, 2009, and shall provide a copy of any such
24 response to Plaintiff's counsel by that date. If Defendants do not file a response
25 providing the appropriate documentation as described above, judgment will likely be
26 granted in Plaintiff's favor. Counsel for Plaintiff may file any reply to a response by
27 July 10, 2009.

1 **IT IS SO ORDERED.**

2 DATED this 22nd day of June, 2009.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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